

PCT
RM-1001



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Markhovsky et al.
Serial No.: 10/806,242
Conf. No.: 2493
Filed: Feb. 24, 2004
For: METHOD AND SYSTEM
FOR FINDING
Art Unit: 3662
Examiner: To be assigned

I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

October 5, 2004

Date

David A. Nassar
Registration No. 34,749
Attorney for Applicant(s)

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the above-identified notice mailed August 6, 2004, please find submitted herewith and accept the following items as follows.

1. Notice to File Missing Parts of Non-provisional Application.
2. Applicant respectfully submits the signature of Russ Markhovsky on the oath and declaration. Such signature page was inadvertently omitted and the entire original declaration of all the inventors is being resubmitted for completeness.
 - a. A fee of \$65.00 is included for the late oath or declaration surcharge.

3. Replacement drawings FIGS. 1-39 submitted herewith in compliance with 37 CFR 1.84 and 37 CFR 1.121; MPEP 1825 and 37 CFRE 1.437.
 - a. The replacement drawings resolve the ambiguity noted in the formalities letter as to Figure(s) 37A, 37B.
4. A Replacement Abstract is being provided conforming to 37 CFR 1.72(b), 37 CFR 1.121; and conforming to MPEP 1826 to the word limitation and includes reference numerals as is required by the PCT Rule 8 and 37 CFR 1.438.
5. A petition to correct the priority date of the PCT application to Feb. 24, 2003 is submitted herewith.
 - a. A petition fee of 130.00 is transmitted herewith.


REMARKS

For the foregoing reasons, Applicants believe that this case is in condition for allowance, which is respectfully requested. The Examiner should contact Applicants' attorney if an interview would expedite prosecution.

Respectfully submitted,

INTELLECTUAL PROPERTY ADVISORS, LLC

By


Damian G. Wasserbauer
Registration No. 34,749

October 5, 2004

PO Box 156
Canton, CT 06019
Telephone: 860.966.0989
Facsimile: 860.693.1674



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/806,242	03/24/2004	Russ Markhovsky	RM-1001

DAMIAN G. WASSERBAUER, ESQ.
 Intellectual Property Advisors LLC
 PO Box 156
 Canton, CT 06019



CONFIRMATION NO. 2493

FORMALITIES LETTER



OC000000013464771

Date Mailed: 08/06/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 33, 35, 38A, 39A.
- A replacement abstract not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) and 37 CFR 1.121 is required.

10/08/2004 BABRAHA1 00000095 10806242

The following item(s) appear to have been **omitted** from the application:

65.00 DP

- Figure(s) **37A, 37B** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE